



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029



SDMS DocID 2004767

1028
7/14/01

NOTICE OF POTENTIAL LIABILITY
URGENT LEGAL MATTER: PROMPT REPLY REQUIRED
CERTIFIED MAIL: RETURN RECEIPT REQUESTED

Cargill, Inc.
Gregory Page, President and CEO
P.O. Box 5624
Minneapolis, MN 55440-5624

Re: **Lower Darby Creek Area Superfund Site -
Folcroft Landfill and Folcroft Landfill Annex
Delaware County, Pennsylvania**

Dear Mr. Gage:

This letter notifies you that Cargill, Inc., may incur, or may have incurred, liability under Section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. § 9607(a), with respect to the Lower Darby Creek Area Superfund Site ("Site"). This letter also notifies you of potential response activities at the Site, which you may be asked to perform or pay for at a later date if the United States performs them.

SITE BACKGROUND

CERCLA, more commonly known as Superfund, has several key objectives including setting priorities for cleanup of the worst hazardous sites in the country, and, determining the parties potentially responsible for investigating, cleaning up or paying the costs of cleaning up such hazardous sites. These parties are referred to as "potentially responsible parties" or "PRPs."

On June 14, 2001, the United States Environmental Protection Agency ("EPA") included the Site on the National Priorities List ("NPL"), a list of the most serious uncontrolled or abandoned sites at which releases of hazardous substances have occurred or may occur. The Site consists of the former Clearview Landfill, and the former Folcroft Landfill ("Folcroft") and Folcroft Landfill Annex ("Annex"). This letter concerns only the Folcroft Landfill and Folcroft Landfill Annex. The Clearview Landfill will be addressed separately.



U.S. Postal Service
CERTIFIED MAIL RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

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Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$
Postmark Here	
Sent To	
Street, Apt. No., or PO Box No.	
City, State, ZIP+ 4	

January 2001

See Reverse for Instructions

A large portion of the Folcroft Landfill and Annex is currently owned by the United States Department of Interior, Fish and Wildlife Service and is part of the John Heinz National Wildlife Preserve in Tinicum Township, Pennsylvania. A smaller portion of the Folcroft Landfill and Annex is privately owned.

NOTICE OF YOUR POTENTIAL LIABILITY

EPA has evaluated information in connection with the investigation of the Site. Based on this information, EPA believes that Cargill, Inc. may be a PRP for this Site. PRPs under CERCLA include: 1) current owners and operators of the site; 2) owners and operators of the site at the time hazardous substances were disposed; 3) persons who arranged for disposal or treatment of hazardous substances sent to the site; and 4) persons who accepted hazardous substances for transport to the site, and who selected the site for disposal. These categories are set forth in Section 107 of CERCLA, 42 U.S.C. § 9607.

Based on State and Federal records and/or other sources, EPA has information indicating that Cargill, Inc., is a PRP for this Site. Specifically, EPA has reason to believe that Cargill, Inc., is liable as a person who arranged for disposal of hazardous substances sent to the Folcroft Landfill and/or Folcroft Landfill Annex from its former facility at Bigler Street and Delaware Avenue in Philadelphia, Pennsylvania. Cargill, Inc. utilized the Folcroft Landfill and/or Folcroft Landfill Annex for disposal of its wastes in at least 1969 and 1970.

The EPA has documented the release or threatened release of hazardous substances, pollutants or contaminants at or from the Site, as those terms are defined in Sections 101(14) and 101(33) of CERCLA, 42 U.S.C. §§ 9601(14) and (33). The United States has spent, or is considering spending, public funds on actions to investigate and control such releases or threatened releases at the Site. Unless EPA reaches an agreement under which a PRP or PRPs will properly perform or finance such actions, the United States may perform these actions pursuant to Section 104 of CERCLA, 42 U.S.C. § 9604, or require them to be performed by responsible parties under Section 106 of CERCLA, 42 U.S.C. § 9606.

The United States may order PRPs, or any one of them, to perform response actions deemed necessary by the United States to protect the public health, welfare or the environment. Additionally, PRPs may be liable for all costs incurred by the government in responding to any release or ~~threatened~~ release at the Site, under Sections 104 and 107(a) of CERCLA, 42 U.S.C. §§ 9604 and 9607(a), and the Resource Conservation and Recovery Act ("RCRA"), as amended, 42 U.S.C. §§ 6901 et seq., and other laws. Such actions and costs may include, but are not limited to, conducting a Remedial Investigation/Feasibility Study ("RI/FS"), and other investigation, planning, response, oversight, and enforcement activities related to the Site. In addition, potentially responsible parties may be required to pay for damages for injury to, destruction of, or loss of natural resources, including the cost of assessing the amount or extent of such damages related to a site.

You should also be aware that once a site is placed on the NPL pursuant to Section 105 of CERCLA, 42 U.S.C. § 9605, it cannot be deleted until after an RI/FS has been completed and the necessary remedial action has been conducted in accordance with EPA guidance and the National Contingency Plan ("NCP"), published at 40 C.F.R. Part 300.

By this letter, EPA notifies Cargill, Inc. of its potential liability with regard to this matter and encourages you to perform or to finance voluntarily those response activities that EPA determines to be necessary at the Site.

SITE RESPONSE ACTIVITIES

In accordance with CERCLA and other authorities, EPA has already undertaken certain actions and incurred certain costs in response to conditions at the Site.

EPA involvement at Folcroft Landfill and Annex began with a Preliminary Assessment on July 1, 1980 and a Site Inspection ("SI") completed November 1, 1980. The Folcroft Landfill and Annex was reinspected as part of a Site Inspection of the entire Site completed on August 17, 1999. The Site was assigned a Hazardous Ranking System ("HRS") score of 50 and was proposed for National Priorities List ("NPL") on May 11, 2000. The Lower Darby Creek Area Superfund Site was officially added to the NPL on June 14, 2001.

Cargill, Inc. may be asked at a later date to undertake, or may be liable for, any additional measures necessary to protect public health, welfare, or the environment. Such measures may include but are not limited to designing and implementing the EPA-approved remedial option and providing monitoring and maintenance necessary after remedial measures are completed.

The United States may expend additional funds for response activities at the Site under the authority of CERCLA and other laws.

SPECIAL NOTICE AND NEGOTIATION MORATORIUM

EPA anticipates that you will receive an additional notice from EPA in the future concerning the Folcroft Landfill and Folcroft Landfill Annex. The following four paragraphs are a detailed description of that future notice. You do not need to take any specific action regarding this future notice at this time. The description is provided to you here so that you can anticipate and understand the process.

The future notice will either inform you that EPA is using the CERCLA Section 122(e) special notice procedure to formally negotiate terms of a consent order or consent decree to conduct or to finance Site response activities, or it will inform you that EPA is electing not to utilize that procedure. If EPA does not use the Section 122(e) special notice procedure, the notice will specify why special notice was not considered appropriate in this case.

Under Section 122(e), EPA has discretionary authority to use the special notice procedure if EPA determines that such procedure would facilitate an agreement between EPA and the PRPs and would expedite response action at the Site. Use of this special notice procedure triggers a moratorium on certain government activities at the Site. The purpose of the moratorium is to

provide a period of time when PRPs and EPA may enter into formal negotiations for PRP conduct or financing of the response activities at the Site.

If special notice is provided with respect to the Remedial Investigation/Feasibility Study ("RI/FS") at the Site, the moratorium period, during which the United States, with certain exceptions, may not commence a RI/FS, lasts for 60 days after receipt of special notice. If EPA determines that a good faith offer to perform or to finance the RI/FS is submitted by the PRPs within those 60 days, the statute provides a 30-day extension for further negotiations.

If EPA determines that a good faith offer has not been submitted within the first 60 days of any moratorium period, EPA may terminate the negotiation moratorium pursuant to Section 122(e)(4) of CERCLA. The United States then may commence response activities or enforcement actions as it deems appropriate. In the absence of an agreement with the parties to perform or to finance the necessary response activities, the United States may undertake these activities and pursue civil litigation against the parties for reimbursement of Site expenditures. Alternatively, the United States may issue a unilateral administrative order pursuant to Section 106(a) of CERCLA to require PRPs to initiate response activities, and/or may commence civil litigation pursuant to Section 106(a) of CERCLA to obtain similar relief. Failure to comply with an administrative order issued pursuant to Section 106(a) of CERCLA may result in a fine of up to \$27,500 per day, pursuant to Section 106(b) of CERCLA and 40 C.F.R. Part 19, and/or imposition of treble damages, pursuant to Section 107(c)(3).

The preceding explanation of special notice and the negotiation moratorium procedure is for your general information about the Superfund process. It does not require any specific action on your part at this time. (But see PRP Response and EPA Contact sections, below.)

FUTURE FINANCIAL REVIEW

If Cargill, Inc. wishes to settle, but you believe Cargill, Inc. would face a severe financial hardship by remitting the full payment amount, you may request that the EPA review your financial ability to pay. Under EPA policy, it is also possible in appropriate circumstances for payment to be made in installments. This may be considered as part of EPA's financial review. To process a claim of financial hardship, EPA will require you to substantiate that claim by submitting detailed financial documentation.

INFORMATION TO ASSIST RESPONSIBLE PARTIES

EPA encourages good faith negotiations between the PRPs and EPA, as well as among the PRPs. Therefore, EPA is providing a list of the names and addresses of PRPs to whom this notification is being sent or who have previously been notified as an attachment to this letter. This list represents EPA's preliminary findings on the identities of the PRPs for the Folcroft Landfill and Folcroft Landfill Annex portions of the Site. Inclusion on, or exclusion from, the list does not constitute a final determination by EPA concerning the liability of any party for the release or threat of release of hazardous substances at or from the Site.

PRP STEERING COMMITTEE

EPA recommends that all PRPs meet to select a Steering Committee responsible for representing the group's interests. Establishing a manageable group is very important for successful negotiations with EPA. EPA representatives are available to meet or confer with the PRPs or a steering committee on a mutually convenient date in the near future. At the present time, some of the previously noticed PRPs have formed a steering committee. That committee is represented by Michael Dillon, Esquire, Morgan, Lewis & Bokius LLP, 1701 Market Street, Philadelphia, PA 19103-2921, (215) 963-5000.

ADMINISTRATIVE RECORD

Pursuant to CERCLA Section 113(k), 42 U.S.C. §9613(k), the United States establishes an administrative record that contains documents which form the basis for the United States' decision on the selection of each response action for a site. The administrative record will be available to the public for inspection and comment before any remedy is selected by the United States. A copy of the record will be located near the Site, and another copy will be located at the EPA Regional office in Philadelphia. The contact person for comments on the record will be provided with the record when such record is available for review at these locations.

PRP RESPONSE AND EPA CONTACT

You are encouraged to contact EPA in writing within **fourteen (14) days** of the receipt of this letter to express Cargill, Inc.'s willingness or unwillingness to participate in future negotiations concerning this Site. You may respond individually or through a steering committee if such a committee has been formed. Your response will be considered by EPA in determining whether the special notice procedure should be used for this Site.

If you are already involved in discussions with State or local authorities, engaged in voluntary action or involved in a lawsuit regarding this Site, you should not interpret this letter as advising or directing you to restrict or to discontinue any such activities. You should, however, report the status of those discussions or activities in your letter to EPA. Please provide EPA with a copy of your letter to any other party involved in those discussions.

Your response should be addressed to:

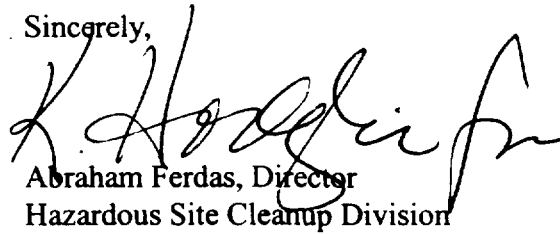
Ms. Kristine Matzko (3HS23)
Remedial Project Manager
United States Environmental Protection Agency
1650 Arch Street
Philadelphia, PA 19103

The factual and legal discussions contained in this letter are intended solely for notification and information purposes. They are not intended to be, and cannot be relied upon, as a final EPA position on any matter set forth herein.

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If you have any questions regarding the foregoing, please contact Carlyn Winter Prisk, Civil Investigator, at (215) 814-2625 or have your attorney contact Brian Nishitani, Senior Assistant Regional Counsel, at (215) 814-2675.

Sincerely,



Abraham Ferdas, Director
Hazardous Site Cleanup Division

cc: Craig Olewiler (PADEP- Harrisburg)
April Flipse (PADEP - Conshohocken)
Kristine Matzko, (3HS23)
Brian Nishitani (3RC44)
Carlyn Winter Prisk (3HS11)
Christopher Haack (Cargill, Inc.)

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**PRPs receiving Notice of Potential Liability for the
Folcroft Landfill and Folcroft Landfill Annex portions of the
Lower Darby Creek Area Superfund Site**

Parties receiving letters dated October 15, 2001

The Boeing Company

P.O. Box 3707
Seattle, WA 98124-2207

Legal Contact: Taralyn Trimpey, Counsel
P.O. Box 516
Mail Code S100-3340
St. Louis, MO 63166-0516
(314) 232-3269

Browning-Ferris Industries, Inc.

c/o Allied Waste Systems, Inc.
15880 N. Greenway-Hayden Loop,
Suite 200
Scottsdale, AZ 85260

Legal Contact: Jeffrey N. Martin, Esq.
Hunton & Williams
1900 K. Street, NW
Washington, DC 20006
(202) 955-1552

Delaware County Solid Waste Authority

1521 North Providence Road
Rose Tree Park
Hunt Club Building
Media, PA 19063

Legal Contact: Benjamin Stonelake, Esquire
Blank Rome Comisky & McCauley LLP
One Logan Square
Philadelphia, PA 19103-6998
(215) 569-5500

E.I. duPont de Nemours and Company

1007 Market Street
Wilmington, DE 19899

Legal Contact: Pamela Meitner, Esquire
DuPont Legal, D-7099
1007 Market Street
Wilmington, De 19898
302-774-8720

FMC Corporation

200 E. Randolph Drive
Chicago, IL 60601

Legal Contact: John F. Stillmun, Assistant General Counsel
1735 Market Street
Philadelphia, PA 19103
(215) 299-6989

General Electric Company

3135 Easton Turnpike
Fairfield, CT 06413-0001

Legal Contacts: David Rifkind, Counsel-Environmental Matters
640 Freedom Business Center
King of Prussia, PA 19406

Steven T. Miano, Esquire
Wolf, Block, Schorr, and Solis-Cohen, LLP
1650 Arch Street, 22nd Floor
Philadelphia, PA 19103
(215) 977-2000

Wilbur C. Henderson, Jr.

c/o The Henderson Group
112 Chesley Drive, Suite 200
Media, PA 19063-1762

Legal Contacts: Norman C. Henss, General Counsel
The Henderson Group
112 Chesley Drive, Suite 200
Media, PA 19063-1762
(610) 627-3619

David J. Brooman, Esquire
Drinker Biddle & Reath LLP
One Logan Square
18th and Cherry Street
Philadelphia, PA 19103
(215) 988-2700

Henderson-Columbia Corporation

c/o The Henderson Group
Wilbur C. Henderson, Jr.
112 Chesley Drive, Suite 200
Media, PA 19063-1762

Legal Contacts: Norman C. Henss, General Counsel
The Henderson Group
112 Chesley Drive, Suite 200
Media, PA 19063-1762
(610) 627-3619

David J. Brooman, Esquire
Drinker Biddle & Reath LLP
One Logan Square
18th and Cherry Street
Philadelphia, PA 19103
(215) 988-2700

Honeywell International, Inc.

101 Columbia Road
Morristown, NJ 07962

Legal Contact: David Cooke, Assistant General Counsel
101 Columbia Road
Morristown, NJ 07962
(973) 455-2817

PECO Energy Company

c/o Exelon Corporation
37th Floor, 10 South Dearborn Street
Post Office Box A-3005
Chicago, IL 60690-3005

Legal Contact: H. Alfred Ryan, Assistant General Counsel
Exelon Business Services Company
2301 Market Street (S23-1)
P.O. Box 8699
Philadelphia, PA 19101
(215) 841-6855

ORIGINAL
(Red)

Rohm and Haas Company

100 Independence Mall West
Philadelphia, PA 19106

Legal Contacts: Ellen S. Friedell, Associate General Counsel
100 Independence Mall West
Philadelphia, PA 19106
(215) 592-2582

Robert Fox, Esquire
Manko, Gold, Katcher, & Fox LLP
401 City Avenue, Suite 500
Bala Cynwyd, PA 19004
(484) 430-5700

United States Department of the Interior

Fish and Wildlife Service
1849 C. Street NW, Room 3012
Washington, DC 20240-0001

Legal Contact: John Seymour, Esquire
Attorney Advisor
Office of the Solicitor
United States Department of the Interior
1849 C Street, NW
Washington, DC 20240

Waste Management, Inc.

1001 Fannin Street
Suite 4000
Houston, TX 77002

Contact: Steve Joyce, Area Director
4 Liberty Lane West
Hampton, NH 03842

Legal Contact: Joseph O'Dea, Esq.
Saul Ewing
Centre Square West
1500 Market Street
38th Floor
Philadelphia, PA 19102-2186

Parties receiving letters dated November 6, 2001:

Chemical Leaman Tank Lines, Inc.

c/o Quality Distribution, Inc.
3802 Corporex Park Drive
Tampa, FL 33619

Contact: Louise Corrigan, Environmental Manager
Quality Distribution, Inc.
150 E. Pennsylvania Ave.
Suite 125
Downingtown, PA 19335
(610) 518-3122

Legal Contact: Maxine Woelfling, Esq.
Morgan, Lewis & Brokius
One Commerce Square
417 Walnut Street
Harrisburg, PA 17101-1904
(717) 237-4000

Parties receiving letters dated January 25, 2002:

Kimberly-Clark Corporation

351 Phelps Drive
Irving, TX 75038
(972) 281-1200

Legal Contact: Marcia K. Cowan
1400 Holcomb Bridge Road
Roswell, GA 30076-2199
(770) 587-7254

PPG Industries, Inc.

One PPG Place
Pittsburgh, PA 15272
(412) 434-3703

Legal Contact: Paul M. King, Esq.
(412) 434-3703

Parties Receiving letters dated June 7, 2002

ORIGINAL
(Red)

Allied Envelope Company

455 Washington Avenue
P.O. Box 6506
Carlstadt, NJ 07072

Contact: Roy J. Ward
(201) 440-2000, ext 160

Legal Contact: David M. Meisels, Esquire
Herrick, Feinstein LLP
2 Penn Plaza
Newark, NJ 07105-2245
(973) 274-2015

Honeywell International, Inc.

101 Columbia Road
Morristown, NJ 07962

Legal Contact: David Cooke, Esq.
(973) 455-2817

Hospital of the University of Pennsylvania

21 Penn Tower
3400 Civic Center Blvd.
Philadelphia, PA 19104

Office of the General Counsel
133 South 36th Street, Suite 360
Philadelphia, PA 19104-3246

Legal Contacts: Roman Petyk, General Counsel
(215) 746-5275

Brendan K. Collins, Esquire
Ballard Spahr Andrews & Ingersoll, LLP
1735 Market St., 51st Floor
Philadelphia, PA 19103
(215) 864-8106

M.A. Bruder & Sons, Inc.

600 Reed Road
Broomall, PA 19008

ORIGINAL
(Red)

Legal Contact: Andrew S. Levine, Esq.
Stradley Ronen
2600 One Commerce Square
Philadelphia, PA 19103
(215) 564-8073

Parties Receiving Letters Dated July 1, 2002

Conoco, Inc.

Conoco Center
600 North Dairy Ashford
Houston, TX 77079

Legal Contact: Stephen P. Chung, Esquire
(281) 293-6231.

Parties Receiving Letters Dated August 1, 2002

Crompton Corporation

One American Lane
Greenwich, CT 06831-2559

Contact: Nita Drakatos, Paralegal
Bensen Road
Middlebury, CT 06749
(203) 573-2652

Parties Receiving Letters Dated November 21, 2003

Cargill, Inc.

P.O. Box 5624
Minneapolis, MN 55440-5624

Contact: Gregory Page, President and CEO

Legal Contacts: Christopher Haack, Paralegal
(952) 742-2894

Kimberley Thorstad, Esq.
(952) 742-5587

ORIGINAL
(Red)

United States Department of Navy

Department of the Navy

Office of General Counsel

Navy Litigation Office

720 Kennon Street, SE, Room 233

Washington Navy Yard, DC 20379-5013

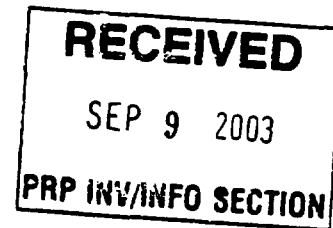
Legal Contact: Stephen A. Banks; Esq.
 (202) 685-6973



VIA OVERNIGHT COURIER

September 5, 2003

Mr. Patrick Egan (3HS11)
U.S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103-2029



ORIGINAL
(Red)

RE: Lower Darby Creek Area Superfund Site – Philadelphia, PA
CERCLA 104(e) Request for Information
Our File No.: Z102-1143

Dear Mr. Egan:

Enclosed please find Cargill, Incorporated's response to the U.S. EPA's CERCLA 104(e) Request for Information letter dated July 9, 2003 regarding the Lower Darby Creek Area Superfund Site. We appreciate the extension to respond to the RFI until today, September 5, 2003, granted by Brian Nishitani, EPA Assistant Regional Counsel.

Cargill has performed a thorough investigation of the information and documents in its possession and has answered each question as completely as possible. Cargill understands that the RFI is on going in nature and we will supplement this response if additional information becomes available.

Again, we appreciate the additional time EPA granted Cargill to conduct its investigation and prepare its response.

Sincerely,

Christopher M. Haack
Paralegal

CMH:rl
Encls.
312160

cc: LaRaye Osborne / Cargill CEHS (w/ encl.)
Kim Thorstad / Cargill Law (w/ encl.)

Christopher M. Haack
Paralegal
(952) 742-2894
christopher_haack@cargill.com

Mailing Address:
P.O. Box 5624
Minneapolis, MN 55440-5624

Location/Shipping Address:
15407 McGinty Road West
Wayzata, MN 55391-5624

Facsimile:
(952) 249-4056
or (952) 742-7503

ORIGINAL
(Red)

Cargill, Incorporated
Response to the United States Environmental Protection Agency
July 9, 2003 Request for Information
Lower Darby Creek Area Superfund Site, Philadelphia, Pennsylvania

- 1. State the name of your company, its mailing address, and telephone number.**

Response. Respondent is Cargill, Incorporated. Respondent's mailing address and general telephone number is as follows:

Cargill, Incorporated
P.O. Box 9300
Minneapolis, MN 55440-9300
Tel.: 952-742-7575

Further identify:

- a. The dates and states of incorporation of your company;**

Response. Respondent was incorporated in the state of Delaware on July 18, 1930.

- b. The date and original state of incorporation of your company; and**

Response. Respondent has no other dates or states of incorporation.

- c. The parent corporation of your company, if any, and all subsidiaries or other affiliated entities.**

Response. Respondent Cargill, Incorporated is the parent corporation. Respondent's subsidiaries or other affiliated entities are not connected to this matter.

- 2. What is the current nature of the business or activity conducted at your establishment(s) in the Philadelphia, Pennsylvania area? What was the nature of your business or activity between 1958 and 1976? Please describe in detail. If the nature of your business or activity changed from the period of 1958 to 1976 to the present, please provide a detailed explanation of the changes to date.**

Response. Respondent has interpreted the phrase "Philadelphia, Pennsylvania area" to mean Philadelphia County and Delaware County, Pennsylvania. Respondent's business or activity has varied throughout the requested time period. The only current area facility connected to Respondent is an office

operated by subsidiary Excel Corporation that sells meat products to retail and commercial food service markets. Please see attached Exhibit A that identifies Respondent's various area facilities from 1958 to the present. The production plant located at Bigler Street and Delaware Avenue (hereinafter "Plant") is the only area location listed on Exhibit A that Respondent is aware has contracted with independent waste haulers. EPA Assistant Regional Counsel has agreed that Respondent may therefore limit its response in this Request for Information to those activities connected with this Plant up until the time period in which Respondent sold it.

Respondent owned and operated this Plant in 1958 until it ceased operations in June 1978. Subsequent to its being closed down, the Plant was sold to Synthetic Oil Corporation of America, Inc. and its subsidiary SOCA-PENN (SOCA) in July 1979. SOCA ran into financial difficulties and was not able to meet the terms of installment purchase agreement under which it acquired ownership. Respondent was advised in February 1980 that SOCA had closed down the plant and Respondent sent engineering personnel to secure the plant. Respondent did not operate the plant again but removed waste left behind by SOCA and secured the property until another sale was negotiated and consummated in November 1980 to Ashland Oil, Inc.

At this location, Respondent operated a sales office and manufacturing plant producing refined linseed oil, soybean oil, fish oils, alkyd resins other various types of resins. In the 1970's and until 1978, resins were produced for the paint and coatings industries.

3. ***Identify all persons currently or formerly employed by your establishment(s) who have or may have personal knowledge of your operations and waste disposal practices between 1958 and 1976 at your facilities in the Philadelphia, Pennsylvania area. For each such person, state that person's employer, job title, dates of employment, current address, and telephone number. If the current telephone number or address is not available, provide the last known telephone number or last known address of such person.***

Response. The following Plant former employees may have been privy to information responsive to this Question during the course of their employment:

Mr. Aldine A. Falcioni, Plant Superintendent, 1960 – 1966
Last known address: unknown.

Mr. Shem R. Evans, Plant Superintendent, 1968 – 1977
Last known address:
24 N. Jardin St.
Shenandoah, PA 17976

Mr. Bruce L. Rouw, Plant Superintendent, 1977 – 1978
Last known address:
Route 1, Box 88-A
Lake Mills, WI 53551

Thomas C. Donnelly, Facility Manager, 1958 – 1975
Last known address
1524 Woodland
Rydal, PA 19046

R.C. Fulton, Plant Superintendent, 1958 – 1959
Last known address: unknown.

Jim B. Johnston, Jr., Facility Manager, 1976 – 1978
Last known address:
205 Chews Landing
Haddonfield, NJ 08033
Tel. 609-482-8107

Martin G. Casto, Plant Engineer, 1973 – 1978
Last known address:
Chalet Apts, Catskill A
Pine Hill, NJ 08021
Tel. 609-627-8724

4. **Identify the owners and operators of your establishment(s) in the Philadelphia, Pennsylvania area from 1958 to the present. For each owner and operator further provide:**
- a. **The dates of their operation;**
 - b. **The nature of their operation; and**
 - c. **All information or documents relating to the handling and/or generation, storage, treatment, recycling, formulation, disposal, or transportation of any hazardous substance, hazardous waste, pollutant, contaminant, or other waste during the period in which they were operating the establishment(s).**

Response. With regard to Question 4(a) and 4(b), please see Response to Question 2 and Exhibit A that identifies the establishments owned or operated by Respondent in the area from 1958 to the present. As stated in Response to Question 2, EPA has agreed that Respondent may limit its response to Question 4(c) to those activities at the Bigler Street and Delaware Avenue Plant.

The Plant's waste streams included municipal solid wastes and industrial liquid

wastes. Solid wastes consisted of general office trash and paper bags which were placed in dumpster bins for pick up by a waste hauling company. Waste liquids generated as a result of the resin manufacturing processes included various solvents. Caustic waster and xylene was generated from cleaning tanks and hoses. Waste xylene was pumped into drums for offsite disposal by a waste hauling company. A below ground skim pit separator, which was connected to floor drains, captured liquid wastes and water from spills. The skim pit separator discharged the water to the municipal sewer system. A waste hauling company periodically pumped out the top layer of solvents captured in the separator into its tank truck for offsite disposal. Respondent pled guilty in 1978 to violations of Section 307 of the Pennsylvania Clean Stream Law for unlawful discharges of industrial waste solvents from the skim pit into the municipal sewer system.

Information regarding the Plant's historic annual waste expense identified from accounting ledgers from fiscal years 1969/1970 to fiscal year 1980/1981 is listed below. Documents that support this data are no longer available. Respondent has no information regarding data prior to fiscal year 1969/1970.

<u>Fiscal Year</u>	<u>Amount</u>
06/01/1969 – 05/31/1970	\$6,665
06/01/1970 – 05/31/1971	\$6,740
06/01/1971 – 05/31/1972	\$6,650
06/01/1972 – 05/31/1973	\$7,348
06/01/1973 – 05/31/1974	\$258,339 [\$250,000 accrual reversed in FY 75/76.]
06/01/1974 – 05/31/1975	\$9,213
06/01/1975 – 05/31/1976	(\$240,375)
06/01/1976 – 05/31/1977	\$17,392
06/01/1977 – 05/31/1978	\$102,011
06/01/1978 – 05/31/1979	\$32,380
06/01/1980 – 05/31/1981	\$428

The Plant used various hazardous substances during the resin manufacturing process. Raw chemicals were shipped to the Plant by bulk tanker, in drums and in bags.

Please see attached Exhibit B that contains information and copies of available documents responsive to this Question regarding the Plant's offsite waste disposal practices. Please see attached Exhibit C that contains information and copies of available documents responsive to this Question regarding the Plant's handling of hazardous substances.

5. ***Describe the types of documents generated or maintained by your establishment(s) in the Philadelphia, Pennsylvania area concerning the handling and/or generation, storage, treatment, transportation, recycling, formulation, or disposal of any hazardous substance, hazardous waste, pollutant, contaminant or other waste between 1958 and 1976.***

- a. **Provide a description of the information included in each type of document and identify the person who was/is the custodian of the documents;**
- b. **Describe any permits or permit applications and any correspondence between your company and/or establishment(s), and any regulatory agencies regarding the transportation and disposal of such wastes; and**
- c. **Describe any contracts or correspondence between your company and/or establishment(s) and any other company or entity regarding the transportation and disposal of such wastes.**

Response. The types of documents known to have been generated or maintained by the Plant are waste pickup tickets, invoices for waste disposal, manifests and correspondence with regulatory agencies. The Plant was responsible for the management of its own documents. Respondent does not know specifically who was the custodian of the documents during the time the Plant was in operation. The current document custodian is Respondent's Corporate Records department.

Please see attached Exhibit B that contains copies of available documents responsive to this Question regarding the Plant's offsite waste disposal practices. Please see attached Exhibit C that contains copies of available documents responsive to this Question regarding Plant handling of hazardous substances.

6. **Identify every hazardous substance used, generated, purchased, stored, or otherwise handled at your establishment(s) in the Philadelphia, Pennsylvania area between 1958 and 1976. Provide chemical analyses and Material Safety Data Sheets ("MSDS"). With respect to each such hazardous substance, further identify:**
 - a. **The process(es) in which each hazardous substance was used, generated, purchased, stored, or otherwise handled;**
 - b. **The chemical composition, characteristics, and physical state (solid, liquid, or gas) of each such hazardous substance;**
 - c. **The annual quantity of each such hazardous substance used, generated, purchased, stored, or otherwise handled;**
 - d. **The beginning and ending dates of the period(s) during which such hazardous substance was used, generated, purchased, stored, or otherwise handled;**

- e. **The types and sizes of containers in which these substances were transported and stored; and**
- f. **The persons or companies that supplied each such hazardous substance to your company.**

Response. Please see the attached Exhibit C that contains available information and documents responsive to this Question.

7. **Identify all by-products and wastes generated, stored, transported, treated, disposed of, released, or otherwise handled by your establishment(s) in the Philadelphia, Pennsylvania area between 1958 and 1976. With respect to each such by-product and waste identified, further provide:**
- a. **The process(es) in which each such by-product and waste was generated, stored, transported, treated, disposed of, released, or otherwise handled;**
 - b. **The chemical composition, characteristics, and physical state (solid, liquid, or gas) of each such by-product or waste;**
 - c. **The annual quantities of each such by-product and waste generated, stored, transported, treated, disposed of, released, or otherwise handled;**
 - d. **The types, sizes, and numbers of containers used to treat, store, or dispose of each such by-product or waste;**
 - e. **The name of the individual(s) and/or company(ies) that disposed of or treated each such by-product or waste; and**
 - f. **The location and method of treatment and/or disposal of each such by-product or waste.**

Response. Please see attached Exhibit B that contains copies of available documents responsive to this Question regarding the Plant's offsite waste disposal practices.

8. **Did Cargill, Inc. ever contract with, or make arrangements with any of the following entities, for the removal or disposal of waste from your facilities/establishments in the Philadelphia area between 1958 and 1976:**
- a. **Folcroft Landfill Corporation;**
 - b. **Bernie McNichol;**
 - c. **Edward Mullin;**
 - d. **Clearview Land Development Corporation;**

- e. **Edward or Richard Heller;**
- f. **Tri-County Hauling;**
- g. **Eastern Industrial Corporation;**
- h. **Marvin Jonas or Jonas Waste Removal;**
- i. **Bernard McHugh or McHugh Trash Company;**
- j. **S. Buckley (ey) Trash Hauling;**
- k. **City Wide Services, Inc.;**
- l. **Gene Banta of Gene Banta Trash Removal;**
- m. **Schiavo Brothers;**
- n. **Charles Crumley or Crumley Waste;**
- o. **Harman or Harway Trash;**
- p. **Oil Tank Lines;**
- q. **Paolino Company;**
- r. **Charles Crawley Waste Hauling;**
- s. **Ed Lafferty and Son;**
- t. **Bazzarie Trash Company;**
- u. **Sparky Barnhouse or ABM Disposal Services Company; and**
- v. **Any other individual, company, or municipality.**

Response. Eastern Industrial Corporation removed waste from the Plant in 1969 and 1970. Ace Dump Truck Service removed waste from the Plant in 1975.

9. ***For each of the above identified entities with whom Cargill, Inc. contracted or made arrangements with for waste removal and/or disposal, please identify the following:***

Response. Please see each response below.

- a. ***The person with whom you made such a contract or arrangement;***

Eastern Industrial Corporation: Person unknown.

Ace Dump Truck Service: Person unknown.

- b. ***The date(s) on which or time period during which such material was removed or transported for disposal;***

Eastern Industrial Corporation: 1969 and 1970.

Ace Dump Truck Service: October 1975 through December 1975.

- c. ***The nature of such material, including the chemical content, characteristics, and physical state (i.e., liquid, solid, or gas);***

Eastern Industrial Corporation: Paper, filter press cake, miscellaneous refuse and litharge (PbO). Specific content, characteristics or state are unknown.

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Ace Dump Truck Service: 95% paper bags in dumpster bins.

- d. The annual quantity (number of loads, gallons, drums) of such material;**

Eastern Industrial Corporation: Litharge waste from October 1969 through September 1970 was 160 pounds per month, or a total of 1,920 pounds.

Ace Dump Truck Service: 46 dumpster bins/loads from October 1975 through December 1975.

- e. The manner in which such material was containerized for shipment or disposal;**

Eastern Industrial Corporation: Manner unknown.

Ace Dump Truck Service: Dumpster bins.

- f. The location to which such material was transported for disposal;**

Eastern Industrial Corporation: Location unknown.

Ace Dump Truck Service: Location unknown.

- g. The person(s) who selected the location to which such material was transported for disposal;**

Eastern Industrial Corporation: Person unknown.

Ace Dump Truck Service: Person unknown.

- h. The individuals employed with any transporter identified (including truck drivers, dispatchers, managers, etc.) with whom your establishment dealt concerning removal or transportation of such material; and**

Eastern Industrial Corporation: Individuals unknown.

Ace Dump Truck Service: Please see attached Exhibit B that contains copies of available documents that identify individuals that were employed with transporters.

- i. Any billing information and documents (invoices, trip tickets, manifests, etc.) in your possession regarding arrangements made to remove or transport such material.**

Eastern Industrial Corporation: No billing information, invoices, trip tickets or manifests exist.

Ace Dump Truck Service: Please see attached Exhibit B that contains copies of available documents responsive to this Question.

10. ***Provide the names, titles, areas of responsibility, addresses, and telephone numbers of all persons who, between 1958 and 1976, may have:***
- a. ***Disposed of or treated materials at Clearview, Folcroft and Folcroft Annex or other areas of the Site;***
 - b. ***Arranged for the disposal or treatment of materials at Clearview, Folcroft and Folcroft Annex or other areas of the Site; and/or***
 - c. ***Arranged for the transportation of materials to Clearview, Folcroft and Folcroft Annex or other areas of the Site (either directly or through transshipment points) for disposal or treatment.***

Response. Respondent has no information responsive to this Question. Respondent is not aware of any persons who disposed of, arranged for disposal or treatment or treated any material at or otherwise had any connection with any portion of Clearview, Folcroft, Folcroft Annex or other areas of the Site.

11. ***For every instance in which your establishment(s) disposed of or treated material at Clearview, Folcroft and Folcroft Annex or other areas of the Site, or arranged for the disposal or treatment of material at the Site, identify:***
- a. ***The date(s) on which such material was disposed of or treated at the Site;***
 - b. ***The nature of such material, including the chemical content, characteristics, and physical state (i.e., liquid, solid, or gas);***
 - c. ***The annual quantity (number of loads, gallons, drums) of such material;***
 - d. ***The specific location on the Site where such material was disposed of or treated; and***
 - e. ***Any billing information and documents (invoices, trip tickets, manifests, etc.) in your company's or establishment's(s') possession regarding arrangements made to dispose of or treat such material at the Site.***

Response. Respondent has no information responsive to this Question. Respondent has found no indication that it arranged for, disposed of or treated any material at or otherwise had any connection with any portion of Clearview, Folcroft, Folcroft Annex or other areas of the Site.

12. ***Did your establishment(s), or any other company or individual ever spill or cause a release of any chemicals, hazardous substances, and/or hazardous waste, and/or non-hazardous solid waste on any portion of Clearview, Folcroft and Folcroft Annex or any other portion of the Site? If so, identify the following:***
- a. ***The date(s) the spill(s)/release(s) occurred;***
 - b. ***The composition (i.e., chemical analysis) of the materials which were spilled/released;***
 - c. ***The response made by you or on your behalf with respect to the spill(s)/release(s); and***
 - d. ***The packaging, transportation, and final disposition of the materials which were spilled/released.***

Response. Respondent has found no information responsive to this Question. Respondent has found no indication that it spilled or caused a release of any materials, including chemicals, hazardous substances, and/or hazardous waste, and/or non-hazardous solid waste or otherwise had any connection with any portion of Clearview, Folcroft, Folcroft Annex or other areas of the Site.

13. ***Please identify individuals employed by your establishment(s) who were responsible for arranging for the removal and disposal of wastes, and individuals who were responsible for payments, payment approvals, and record keeping concerning such waste removal transactions at your Philadelphia, Pennsylvania area establishment(s) between 1958 and 1976. Provide current or last known addresses and telephone numbers where they may be reached. If these individuals are the same persons identified by your answer to question 3, so indicate.***

Response. Please see Response to Question 3.

14. ***Did you or any person or entity on your behalf ever conduct any environmental assessments or investigations relating to contamination at Clearview, Folcroft and Folcroft Annex or any other areas of the Site? If so, please provide all documents pertaining to such assessments or investigations.***

Response. Respondent has no information or documents responsive to this

Question.

15. ***If you have any information about other parties who may have information which may assist the EPA in its investigation of the Site, including Clearview, Folcroft and Folcroft Annex, or who may be responsible for the generation of, transportation to, or release of contamination at the Site, please provide such information. The information you provide in response to this request should include the party's name, address, telephone number, type of business, and the reasons why you believe the party may have contributed to the contamination at the Site or may have information regarding the Site.***

Response. Respondent is not aware of other parties who would have information responsive to this Question.

16. ***Representative of your establishment(s):***

- a. ***Identify the person(s) answering these questions on behalf of your establishment(s), including full name, mailing address, business telephone number, and relationship to the company.***

Response. The following persons answered these questions on behalf of Respondent:

Kimberly Thorstad, Attorney
Cargill Law Department
P.O. Box 5624
Minneapolis, MN 55440-5624
Tel.: 952-742-5587

Christopher Haack, Paralegal
Cargill Law Department
P.O. Box 5624
Minneapolis, MN 55440-5624
Tel.: 952-742-2894

- b. ***Provide the name, title, current address, and telephone number of the individual representing your establishment(s) to whom future correspondence or telephone calls should be directed.***

Response. All future communications regarding this matter should be directed to Christopher Haack identified above.

17. ***If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available. If the records were destroyed, provide us with the following:***

- a. ***Your document retention policy;***

Response. Respondent's investigation of this matter has found that requested information and documents are no longer available in accordance with Respondent's document retention policy. Please see attached Exhibit D for

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certain pages from Respondent's 1978 records retention manual that was in effect at the time Plant operations ceased.

- b. A description of how the records were/are destroyed (burned, archived, trashed, etc.) and the approximate date of destruction;**

Response. Respondent does not know what method of document destruction the Plant utilized in the 1970's and 1980's. The 1978 records retention manual does not identify destruction methods or requirements.

- c. A description of the type of information that would have been contained in the documents; and**

Response. Respondent does not know what types of information would have been contained in the destroyed documents as each location was responsible for destroying records in their specific location. It is believed that the destroyed information would include accounting information.

- d. The name, job title, and most current address known to you of the person(s) who would have produced these documents; the person(s) who would have been responsible for the retention of these documents; and the person(s) who would have been responsible for the destruction of these documents.**

Response. Respondent does not know who would have been responsible for documents at the Plant when the Plant was sold in 1980. Mr. Richard Sheppard was responsible for retaining certain accounting documents that reflect waste disposal expenses during the time Respondent operated the Plant. Mr. Sheppard is currently employed by Respondent as a senior accountant at the address provided in the Response to Question 1.


Cargill, Incorporated
Response to the United States Environmental Protection Agency
July 9, 2003 Request for Information
Lower Darby Creek Area Superfund Site, Philadelphia, Pennsylvania

STATE OF MINNESOTA)
) SS. VERIFICATION STATEMENT
COUNTY OF HENNEPIN)

I, LaRaye M. Osborne, state that I am an authorized agent of Cargill, Incorporated (Cargill) for the purpose of executing Cargill's response to the U.S. EPA's Request for Information pursuant to the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, concerning the Lower Darby Creek Area Superfund Site.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted.

Based upon my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.


LaRaye M. Osborne
Assistant Vice President,
Corporate Environmental, Health and Safety

Sworn to and subscribed before me
this 5th day of September 2003.


Notary Public

My commission expires on

January 31, 2005

10/1/04

INTERVIEW SUMMARY
Work Assignment ES002
Lower Darby Creek Area Site

Anthony Santora

Prepared for:

U.S. Environmental Protection Agency
Region III
Enforcement Support Services
Hazardous Site Cleanup Division
1650 Arch Street
Philadelphia, PA 19103

Prepared by:

DASTON Corporation
210 West Washington Square
Suite 100
Philadelphia, PA 19106

Work Assignment Number:	ES002
Date Submitted:	April 10, 2003
Contract Number:	68-S3-01-01
EPA Work Assignment Manager:	Patrick Egan
Telephone Number:	(215) 814-3167
DASTON Work Assignment Manager:	Eric D. Bailey
Telephone Number:	(215) 923-4404
Interviewer:	Michael McCloskey, Tri-State Enterprise

ORIGINAL
(Red)

Name: Anthony Santora (WITNESS)
C/O Eric J. Murdock, Esq.
Hunton & Williams
1900 K Street, N.W.
Washington, D.C. 20006

Affiliation: Former Employee/Eastern Industrial

Telephone: (202) 955-1500 (Eric J. Murdock)

Type of Interview: In-Person

Date of Interview: April 7, 2003

On April 7, 2003 the WITNESS was interviewed at the Congress Hall Hotel, Cape May, New Jersey by Michael McCloskey of Tri-State Enterprise. The WITNESS was interviewed as part of the potentially responsible party search currently being conducted under Work Assignment NO. ES-002 involving the Lower Darby Creek Area, Delaware County, PA (the "Site"). This interview focused on the Folcroft Landfill (Folcroft). The WITNESS was provided with a copy of the letter of introduction, advised of the nature of the questions to be asked and advised that the interview was voluntary. The WITNESS advised that he is not represented by an attorney in this matter and did not want an attorney. The following individuals were also present during this interview.

- Brian Nishitani, Esquire: Attorney for the United States Environmental Protection Agency, Region III ("USEPA").
- Patrick Egan: Civil Investigator for the USEPA.
- Erick Murdock, Esquire: Attorney representing BFI.

During the course of this interview, the WITNESS responded to questions based on guidelines provided by the United States Environmental Protection Agency for former employees.

The WITNESS was shown an aerial photograph of the Site and this aerial photograph was used throughout the interview.

The WITNESS was asked to explain his association with the Folcroft Landfill.

The WITNESS stated that he worked for Eastern Industrial also referred to by the WITNESS as Eastern Waste Disposal ("Eastern") from November 1967 to 1983. The WITNESS stated that from 1967 to 1968, he was employed by Eastern as a yard boy. The WITNESS stated that from 1969 to 1983, he was employed by Eastern as a trash truck driver.

When asked to explain the types of trucks he drove for Eastern, the WITNESS stated that he usually drove roll-off trucks. The WITNESS stated that he also drove a dump master truck during that time.

When asked to describe a dumpmaster, the WITNESS stated that a dump master was a compactor truck that picked up containers referred to as dumpmaster containers, with a front-end joist used to dump the contents of the container into the top of the compactor. The WITNESS stated that dumpmaster containers ranged in size from 5 to 8 cubic yards and that a dumpmaster trash truck could hold the contents of about 20 to 30 containers on each trip.

The WITNESS stated that Eastern had roll-off containers in varying sizes from 20 to 40 cubic yards.

The WITNESS was asked to identify the locations that he picked up waste from and disposed at the Folcroft Landfill. The WITNESS was also asked to describe the waste from each location and to provide information about the volume of waste that was picked up at each location. The WITNESS provided the following.

- Gulf Refinery: The WITNESS stated that the Gulf Refinery was located near the Platt Bridge in Philadelphia. The WITNESS stated that Gulf had three 20 to 30 cubic yard roll-off containers at this location. The WITNESS described the waste as oilcans, paint cans, rags, and wood. The WITNESS stated that all of the refineries that he picked up waste from had paint cans as part of the waste. The WITNESS stated that the oil cans and paint cans often had liquids in them.
- Westinghouse: The WITNESS stated that this company was located in Lester, PA. The WITNESS stated that Westinghouse had two 20-cubic yard roll-off containers.
- Sun Ship Builders: The WITNESS stated that Sun Ship had 15 to 20 roll-off containers in sizes of 20 and 30 cubic yards. The WITNESS stated that Sun Ship also had some dumpmaster containers. The WITNESS described the waste as wood, paint cans and a substance he called "spent shot." The WITNESS described spent shot as residue from sand blasting the metal on ships. He indicated that the new metal on a new ship was sandblasted before painting.
- Sun Oil: The WITNESS stated that Sun Oil had two packaging plants and had 30-cubic yard roll-off containers and 50-60 dumpmaster containers. The WITNESS stated that the waste included 5-gallon oilcans and paint cans. The WITNESS stated that the paint cans could have contained paint.
- BP Plant: The WITNESS stated that BP was located in Marcus Hook, PA. The WITNESS stated that BP had about 20 dumpmaster containers and that the waste included rags, oil and paint cans, and 20-gallon fiber drums. The WITNESS described the fiber drums as cardboard drums and he indicated that some of these drums were lined on the inside with plastic. The WITNESS stated that these drums had a powder residue. The WITNESS stated that one to two pick-ups were made at BP daily.
- Rohm & Haas: The WITNESS stated that the Rohm & Haas that had waste disposed of at Folcroft was the Rohm & Haas located in the Port Richmond area of Philadelphia. The WITNESS stated that this company had approximately 12 dumpmaster cans, 2-luggers

containers and two 30 or 40-cubic yard roll-off containers. The WITNESS stated that the waste from this plant included empty cardboard bags and fiber drums. The WITNESS stated that the bags and some of the fiber drums were lined on the inside with a plastic liner. The WITNESS stated that the bags and drums had some yellow powder. He indicated that this powder had a chemical odor. He was unable to describe the odor further.

- Witco: The WITNESS stated that this company was located in Marcus Hook, PA across from the BP Plant. The WITNESS stated that this Plant had a roll-off container and 4-5 dumpmaster containers. The WITNESS stated that the waste included filter cake. The WITNESS described the filter cake as looking like a coffee filter with a residue. The WITNESS stated that this waste had a very bad odor but could not describe this odor further. The WITNESS stated that Witco made additives for gasoline and that this waste was picked up about one time each day.
- Cargill Chemical: The WITNESS stated that this company was located on Delaware Avenue in the south 2800 block. He stated that this Plant had a 6-cubic yard lugger container and a few dumpmaster containers. The WITNESS stated that this waste included filter plates from the processing plant. The WITNESS stated that these filter plates had a white powder residue that had a bad odor. He was unable to describe this odor further. The WITNESS stated that the waste was picked up about two times each week on a call-in basis.
- A&P Warehouse (A&P): The WITNESS stated that A&P was located on Baltimore Pike. The WITNESS described the waste as damaged can foods, fish boxes and "garbage." He did not describe garbage any further.
- LaFrance: The WITNESS stated that LaFrance was located on Island and Enterprise Avenues. The WITNESS stated that this company made plastic moldings for logos and plastic plates that are put on consumer items such as "GM" placed on automobiles. The WITNESS stated that LaFrance had 1-2 dumpmaster containers that were picked up three times each week. The WITNESS stated that the waste included plastic moldings.
- Liquid Arnold ("Arnold"): The WITNESS stated that Arnold was a machine shop located on Chester Pike in the area of Collingdale. The WITNESS stated that Arnold had a dumpmaster that was picked up 1-3 days each week.
- Boeing: The WITNESS stated that Boeing was located on both sides of Industrial Highway and that Eastern picked up containers from the entire Boeing plant. The WITNESS stated that Boeing had approximately 25-30 containers. He indicated that most of these containers were 40-cubic yard roll-off containers. The WITNESS stated that Boeing also had two 40-cubic yard compactor units. The WITNESS stated that the waste included plastic containers from the blade shop.
- Philadelphia Electric at Eddystone (PE): The WITNESS stated that PE had 3-4 roll-off containers that were picked up daily. The WITNESS stated that the roll-off containers

were 20 and 30-cubic yards. The WITNESS stated that the waste included rags, paint cans, and oilcans. The WITNESS stated that these cans would sometimes have liquid in them.

- Franklin Mint: The WITNESS stated that the Franklin Mint was located in Folcroft during some of the time that the Folcroft Landfill was in use. The WITNESS stated that Franklin Mint had a dumpmaster that was picked up by Eastern.
- A&P Stores: The WITNESS stated that Eastern had dumpmasters at numerous A&P stores.
- Food Fair: The WITNESS stated that Eastern had dumpmaster containers at numerous Food Fair Stores.
- Philadelphia Bulletin Newspaper (Bulletin): The WITNESS stated that the Bulletin was located in the area of 32nd and Market Streets in Philadelphia. The WITNESS stated that the Bulletin had an 8-cubic yard lugger container that was picked up on an on-call basis. The WITNESS described this lugger container as sealed with two valves. He indicated that ink was in this container and that the valve was opened at the Folcroft Landfill to drain the ink.

The WITNESS was asked if he transported waste from New Jersey to the Folcroft Landfill. The WITNESS stated no.

The WITNESS was asked if he picked up waste from the following locations.

- General Electric: The WITNESS stated no.
- Dupont: The WITNESS stated that Schaivo Brothers picked up waste from this location.
- Budd Company: The WITNESS stated no.
- Jordan Chemical: The WITNESS stated no.
- PGW: The WITNESS stated that Joe Horn picked up PGW waste.
- MAB Paints: The WITNESS stated that Tri-County Hauling picked up waste from this location.
- Scott Paper: The WITNESS stated that NewWay hauled Scott Paper waste. He indicated that NewWay had a transfer station on Oak Avenue.

When asked if Eastern transported bulk liquid waste, the WITNESS stated yes and stated that Eastern had about three tractor cabs and 2-3 tankers. He indicated that the tankers were 5,000-gallons. The WITNESS stated that he did not know if any of the bulk waste was disposed of at Folcroft.

When asked to describe the procedure he followed at Folcroft Landfill when he disposed of waste, the WITNESS stated that Folcroft Landfill was open 24 hours a day, seven days a week. The WITNESS stated that when he entered the Landfill, he would drive to wherever he saw a bulldozer and dispose of the waste at the location of the bulldozer. The WITNESS stated that when he left the Landfill he would stop at the entrance where a Landfill employee

would fill out a slip. This slip would have the name of the trash company, the date, the size of the container, and the truck drivers signature. The WITNESS stated that this slip was in carbon and that he would get a copy and the employee of the Landfill would keep a copy. The WITNESS stated that he turned in the slips to Eastern at the end of his workday.

The WITNESS was asked to provide any information he had regarding the ownership of Eastern. The WITNESS stated that a John Mayhan with a Frank Desantos (correct spelling unknown) purchased the company from John Alex, Jim McGlin (Correct spelling unknown) and a Cook. The WITNESS stated that Eastern was first located on 20th Street in Philadelphia below the Pennrose Dinner. The WITNESS stated that Eastern then moved to 61st Street off of Passyunk Avenue in Philadelphia. He indicated that after John Moore took over the company was sold to Atwoods.

The WITNESS was asked about the names of other Eastern trash truck drivers. The WITNESS provided the following.

- John Pelzer (Correct Spelling unknown)
- Claude Gray
- Buck Dunn
- Sam (unknown last name)
- Mike Anderson
- Jessie Fox
- Howard Urick
- Bernie Harman
- Patrick Mack
- Tom Carroll
- Tom Carroll, JR

When asked the names of other waste transport companies that he had observed disposing of waste at the Folcroft Landfill, the WITNESS provided the following.

- Hawthorne
- NewWay
- Banter (this could be Banta)
- Kaunt & Kaunt (Correct spelling unknown)
- Nash Brothers
- Tri-County Hauling
- Ace Services
- Casper Brothers
- Harvey and Harvey
- William Schaeffer

The WITNESS was asked if the Ace Services (Ace) he named as a company that disposed of waste at Folcroft was located at 123 Wilder Street. The WITNESS stated yes. The WITNESS stated that William Eells owned Ace. The WITNESS stated that William Eells died in the 1970s and Ace was taken over by his son Ed Eells. The WITNESS stated that Ed

Eells died about 5-6 years ago. He did not know the ownership status of Ace at the present time.

When asked the names of any employees at the Folcroft Landfill, the WITNESS provided the following.

- Ed Mullin: The WITNESS stated that Mullin ran the Landfill.
- Ed Mullin, JR.: The WITNESS stated that Ed Mullin, JR was a mechanic for Tri-County Hauling.
- Squeaky: The WITNESS stated that he did not know this individuals real name. The WITNESS stated that this individual took filled out the slips at the entrance to the Landfill.

"I declare under penalty of perjury that the foregoing is true and correct."

Executed on _____ Signed _____
(Date) (Name)